

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3462 of 2017

Bahur Singh, S/o. Karmu Nayak, Aged About 36 Years, R/o. Village- Lilesar, Chowki- Bundeli, Thana -Tendukona, Tahsil- Pithora, District -Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Tendukona, Chowki -Bundeli, District -Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate
For Respondent	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

11/05/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.72/2016, registered at Police Station- (Chowki-Bundeli) Tendukona, District – Mahasamund (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act. The first bail application was dismissed on merits vide order dated 03.08.2016.
2. Case of the prosecution in brief is that when a raid was conducted by the police party, the applicant along with one another co-accused were found in possession of illicit liquor measuring about 26.640 bulk liters, the same was seized from them and thereby the aforesaid offence was committed.
3. Learned counsel for the applicant submits that the seizure witnesses namely Bhupendra Kumar Yadav and Manendra Kumar have been examined and they have not supported the case of the prosecution. It

is further submitted that the applicant is in jail since 24.06.2016; therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, she do not dispute the fact that seizure witnesses have been examined and they have not supported the case of the prosecution.
5. Considering the facts and circumstances of the case and further considering the fact that seizure witnesses have been examined and they have not supported the case of the prosecution and the applicant is in jail since 24.06.2016, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge